

less than eight hundred (\$800.00) dollars.

Sec. 2. It is specifically provided that the operation of this Act shall be limited to those societies whose application was pending at the date of approval of this Act by the Governor and who had complied with the above provisions.

Sec. 3. The fact that there is now no law under which a fraternal benefit society may be organized and operated on a limited basis, and afford protection to persons of limited means, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act take effect and be in force from and after its passage; and it is so enacted.

FIFTY-NINTH DAY (Continued).

Senate Chamber,
Austin, Texas,
April 14, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 438.	H. B. No. 575.
S. B. No. 263.	H. B. No. 854.
S. B. No. 437.	H. B. No. 775.
S. B. No. 436.	H. B. No. 667.
S. B. No. 92.	H. B. No. 840.
H. B. No. 82.	H. B. No. 431.
H. B. No. 207.	H. B. No. 188.
H. B. No. 253.	H. B. No. 6.

Motion to Reconsider.

The question recurred upon the motion (by Senator Fellbaum) to table the motion (by Senator Holbrook) to reconsider the vote by which S. C. R. No. 38 was adopted.

Senator Fellbaum withdrew the motion to table and the motion calling up from the Journal the motion to reconsider.

Senator Holbrook withdrew the motion to reconsider.

Senator Holbrook moved to refer the resolution to the Committee on Finance. The motion prevailed.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 240, A bill to be entitled "An Act amending Article 2558, Revised Civil Statutes, 1925; and declaring an emergency."

S. B. No. 480, A bill to be entitled "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 225 and not more than 325 according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation or from other sources, for the purpose of installing canning factories, manual training equipment, equipment for physical education department and for the erection of necessary buildings therefor, providing for charging of fees for the use of such equipment to make same self-liquidating, and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Reconsider.

Senator Beck moved to reconsider the vote by which the Senate concurred in House amendment to S. B. No. 85. The motion prevailed.

On motion of Senator Beck, the Senate refused to concur in the House amendment and requested the appointment of a free conference committee.

The Chair appointed the following on the part of the Senate:

Senators Purl, Small, Stone, Beck and Moore.

H. C. R. No. 18.

The Chair laid before the Senate: H. C. R. No. 18, Relative to making the cemetery of the DeZavala family part of the San Jacinto State Park.

On motion of Senator Purl, the resolution was re-referred to the Committee on Public Lands and Land Office.

Free Conference Requested.

On motion of Senator Greer, the Senate refused to concur in House amendments to S. B. No. 195 and asked for the appointment of a free conference committee.

Motion to Take up Resolution.

Senator Poage asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 29.

Objection was heard.

Senator Poage moved to suspend the regular order of business and take up S. J. R. No. 29.

The motion was lost by the following vote:

Yeas—18.

Beck.	Patton.
Collie.	Poage.
Duggan.	Purl.
Hornsby.	Rawlings.
Moore.	Redditt.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Woodruff.
Pace.	Woodward.

Nays—10.

Blackert.	Parr.
Cousins.	Regan.
Fellbaum.	Russek.
Holbrook.	Stone.
Hopkins.	Woodul.

Absent.

DeBerry.	Martin.
Greer.	

(Two-thirds vote required.)

Privileges of Floor Extended.

On motion of Senator Woodward, the privileges of the floor were extended to certain pupils from the Coleman High School.

Motion to Reconsider.

Senator Regan moved to reconsider the vote by which the Senate refused to take up S. J. R. No. 29.

Senator Russek moved to adjourn until Monday morning at 10 o'clock. the motion was lost.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hornsby.	Regan.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

Nays—8.

Blackert.	Parr.
Fellbaum.	Russek.
Holbrook.	Stone.
Hopkins.	Woodul.

Absent—Excused.

DeBerry.	Martin.
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The motion to take up S. J. R. No. 29 was lost by the following vote:

Yeas—19.

Beck.	Pace.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Hornsby.	Redditt.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Nays—10.

Blackert.	Regan.
Fellbaum.	Russek.
Holbrook.	Sanderford.
Hopkins.	Stone.
Parr.	Woodul.

Absent—Excused.

DeBerry.	Martin.
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(Two-thirds vote required.)

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Sen-

ate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 85. The following are conferees on the part of the House:

Jones of Atascosa, Burns, Young, Graves and Cathey.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 218.

Senator Regan called up from the table the following bill:

By Mr. Jones of Atascosa, Mr. Wagstaff, Mr. Moffett, Mr. Duvall, Mr. Hankamer, Mr. Clayton, Mr. Johnson of Dimmit, Mr. Pope, Mr. Jackson, Mr. Haag, Mr. Ford, Mr. Townsend, and Mr. Chastain:

H. B. No. 218, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amount of bonus and rental money due the State, and by whom due, under the operation, terms, and conditions of Chapter 81, printed Acts of the Second Called Session, of the Thirty-sixth Legislature and the amendment thereof, by the First Called Session, of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits; etc., and declaring an emergency."

Senator Purl moved a call of the Senate until the bill was disposed of. The motion failed to receive the proper seconding.

Free Conference Committees Appointed.

The Chair announced the appointment of the following free conference committees:

S. B. No. 127:

Murphy, Collie, Martin, Oneal and Woodruff.

Senate conferees on S. B. No. 195:

Greer, Pace, Holbrook, Small and Poage.

Recess.

On motion of Senator Stone, the Senate, at 12:26 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 104.

H. C. R. No. 64.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 623, A bill to be entitled "An Act to further protect the purchasers and consumers of fruits and vegetables, by prescribing methods by which such fruits and vegetables may be indented as to grade and pack; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Simple Resolution No. 86.

Senator Hornsby sent up the following resolution:

Whereas, Mrs. Clyde Tate, music supervisor of the Crystal City public schools, is passing through the Capital City on the way to Belton to attend the Interscholastic Music Meet, with the Glee Club of the Crystal City high school, of which she is the director; and

Whereas, They are now visiting the Capitol; therefore, be it

Resolved, That Mrs. Clyde Tate and, Misses Jane Speedy, Iris Reed, Golda Williams, Marianne Reeves, Sarah Neale Ready, Inez Barnes, Elouise Wagner, Viva Franklin, Charlotte Spann, Ruth Netherton, Geneva Bottorf, Rose Mary Crawford, Virginia Speedy, Barbara Bangs, Margaret Jackson, Mary Sue Mayberry, Eula Mae Robinson, be accorded the privileges of the floor and cordially requested to favor the

Senate with a varied program of their favorite songs.

HORNSBY.

Read and adopted.

Song Program.

The Chair appointed Senator Hornsby to escort the Crystal City Glee Club to the front of the Senate Chamber where they entertained the Senate with a group of songs.

House Bill No. 218.

The question recurred upon H. B. No. 218.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 218, committee amendment, Section 1, Section 2 and Section 6, by inserting after the words "Land Commissioner," the following: "State Auditor and Attorney General."

WOODRUFF.

The amendment was read.

Senator Purl sent up the following amendment to the amendment:

Amend the Woodruff Amendment by striking out the following "State Auditor."

PURL.

The amendment to the amendment was read.

Senator Oneal sent up the following substitute for the amendment to the amendment:

Amend the Woodruff Amendment to Senate Committee Amendment to H. B. No. 218 by striking out the words: "State Auditor and Attorney General" and inserting in lieu thereof "State Superintendent of Public Instruction, and they shall have the services of the State Auditor when requested by said Commissioner and Superintendent."

ONEAL.

The substitute was read.

Senator Purl raised the point of order that it was out of order to amend an amendment to an amendment.

The Chair, Senator Rawlings, held that the amendment was offered as a substitute for the amendment to the amendment and as such was in order.

The substitute for the amendment to the amendment was adopted.

The amendment to the amendment as substituted was adopted.

The amendment as amended was adopted.

Senator Moore sent up the following amendment:

Amend Committee Amendment to H. B. No. 218 as follows:

By striking out the words and figures "within two (2) years from the date this Act becomes effective" in line 38, page 5, and substitute in lieu thereof the words and figure: "on or before December 1, 1934."

MOORE.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 218 by adding at the end of line 59, page 5, the following: "or that has heretofore provided oil and/or gas."

WOODRUFF.

Read and adopted.

On motion of Senator Woodward, the previous question was ordered on pending amendments, the committee substitute as amended, and the further consideration of the bill.

The Chair laid before the Senate the following amendments:

Amend H. B. No. 218, Committee Amendment, Section 7, line 5, by striking out "or to any indebtedness due the State which may accrue subsequent to the date this Act becomes effective" and inserting in lieu thereof the following: "or to any indebtedness due the State which has accrued or may accrue subsequent to June 25, 1928."

WOODRUFF.

Read and lost by the following vote:

Yeas—3.

Holbrook.
Poage.

Purl.

Nays—21.

Beck.
Blackert.
Collie.
Hopkins.
Hornsby.
Moore.
Murphy.
Neal.
Oneal.
Pace.
Parr.

Patton.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodul.
Woodward.

Absent.

Cousins. Greer.
Fellbaum.

Absent—Excused.

DeBerry. Martin.

(Pair Recorded.)

Senator Woodruff (present) who would vote yea with Senator Duggan (absent), who would vote nay.

Amend H. B. No. 218, committee amendment, Section 7, by adding the following: "or to any indebtedness due the State for bonus or rental where such amount has not been paid to the land owner, but has been placed in escrow or held in suspense or withheld by the lessee."

WOODRUFF.

Read and adopted.

Amend H. B. No. 218, committee amendment, by adding a new section to be numbered 7a, and to read as follows:

"Section 7a. It shall be conclusively presumed that any corporate debtor having an authorized capital stock of over fifty thousand (\$50,000.00) dollars is able to pay the amounts owned by it, and no extension of time shall be granted to such corporate debtors having such capitalization, and the terms of this Act shall not apply to such debtors, but all sums owned by such corporate debtors with such capitalization shall be immediately due and payable and suit may be maintained to collect the same."

WOODRUFF.

Read and lost by the following vote:

Yeas—4.

Holbrook. Purl.
Pace. Redditt.

Nays—19.

Beck. Patton.
Blackert. Rawlings.
Collie. Regan.
Hopkins. Russek.
Hornsby. Sanderford.
Moore. Small.
Murphy. Stone.
Neal. Woodul.
Oneal. Woodward.
Parr.

Absent.

Fellbaum. Greer.

Absent—Excused.

DeBerry. Martin.

(Pairs Recorded.)

Senator Poage (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

Senator Woodruff (present) who would vote yea, with Senator Duggan (absent) who would vote nay.

Amend S. B. No. 218, committee amendment, Section 5, line 3, by changing two years to "on or before December 1, 1934."

WOODRUFF.

Read and adopted.

Amend H. B. No. 218, committee amendment, Section 6, line 46, page 5, by changing "two years" to "by or before December 1, 1934."

WOODRUFF.

Read and adopted.

Amend H. B. No. 218, committee amendment, Section 2, by striking out "one-twentieth" in line 10 of said section and inserting in lieu thereof "one-tenth," and by striking out the words and figures "twenty (20)" in line 12 in said section and inserting in lieu thereof the words and figures "ten (10)," and amend the caption to conform to the body of the bill.

WOODRUFF.

Read and lost.

The committee substitute as amended was adopted by the following vote:

Yeas—19.

Beck. Parr.
Blackert. Patton.
Collie. Rawlings.
Hopkins. Redditt.
Hornsby. Russek.
Moore. Sanderford.
Murphy. Small.
Neal. Woodul.
Oneal. Woodward.
Pace.

Nays—1.

Holbrook.

Present—Not Voting.

Regan.

Absent.

Fellbaum. Greer.

Absent—Excused.

DeBerry. Martin.

(Pairs Recorded.)

Senator Poage (present) who would vote nay, with Senator Cousins (absent) who would vote yea.

Senator Purl (present) who would vote nay, with Senator Stone (absent) who would vote yea.

Senator Woodruff (present) who would vote nay, with Senator Duggan (absent) who would vote yea.

The bill was passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 218 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Present—Not Voting.

Regan.

Absent.

Cousins.	Greer.
Duggan.	Stone.
Fellbaum.	

Absent—Excused.

DeBerry. Martin.

Read third time and finally passed by the following vote:

Yeas—19.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Hopkins.	Oneal.
Hornsby.	Pace.

Parr.	Sanderford.
Patton.	Small.
Rawlings.	Woodul.
Redditt.	Woodward.
Russek.	

Nays—2.

Holbrook.	Poage.
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Present—Not Voting.

Regan.

Absent.

Fellbaum.	Greer.
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Absent—Excused.

Cousins.	Martin.
DeBerry.	

(Pairs Recorded.)

Senator Purl (present) who would vote nay, with Senator Stone (absent) who would vote yea.

Senator Woodruff (present) who would vote nay, with Senator Duggan (absent) who would vote yea.

Conference Committee Report.

Senator Oneal sent up the following free conference committee report:

Committee Room,
Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate,

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on S. B. No. 262, have had the same under consideration and beg leave to submit the following:

Respectfully submitted,

ONEAL,
DUGGAN,
POAGE,
COLLIE,

On the part of the Senate.
LEONARD,
MOFFETT,
METCALFE,

On the part of the House.

By Oneal. S. B. No. 262.

A BILL
To Be Entitled

An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or

before February 1, 1933, due the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State; and for the purpose of releasing penalties and interest on delinquent taxes due cities, towns and villages, special school districts and independent school districts provided said taxes are paid on or before December 31, 1933; with an addition of one per cent on said taxes if same are paid during the month of July, 1933, and two per cent if paid in August, 1933, and three per cent if paid in September, 1933, and four per cent if paid in October, 1933, and five per cent if paid in November, 1933, and six per cent if paid in December, 1933; and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, special school districts and independent school districts, unless and until the governing body thereof finds that unusual or excessive defaults in the payment of taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body by resolution, or ordinance, evidencing such finding and recording the same shall have the authority to put in force and effect the provisions hereof as to such cities, towns, villages and special school districts and independent school districts; providing that delinquent taxes for any one year or more on any property may be paid without paying all other years that may be due on any property; providing that in all cases where tax suits are dismissed or abated no costs or fees incident to said suit shall be adjudged against the defendant; providing that governing boards of water improvement districts, water control and improvement districts and irrigation districts shall have the power to adjust or reduce delinquent flat rates and/or bond taxes which are delinquent; suspending

all laws and parts of laws in conflict herewith during the term this Act is in force; and providing further that, if any section, clause, sentence, paragraph, or part of the Act is adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Act; stating the policy of the Legislature, and declaring an emergency, and providing that this Act shall take effect and be in force from and after its passage.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before February 1, 1933, due the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State (and, subject to the provisions hereinbefore and hereinafter contained, such interest and penalties on delinquent ad valorem and poll taxes due cities, towns and villages, and special school districts and independent school districts), shall be and the same are hereby released, provided, said ad valorem and poll taxes are paid on or before June 30, 1933; and shall be and the same are hereby released provided said ad valorem and poll taxes are paid on or before December 31, 1933, with an addition of one per cent on said taxes if the same are paid during the month of July, and two per cent if the same are paid in August, and three per cent if the same are paid in September, and four per cent if the same are paid in October, and five per cent if the same are paid in November, and six per cent if the same are paid in December, respectively, 1933. It is provided that the provisions hereof shall not apply to cities, towns and villages, and special school districts, and independent school districts unless and until the governing body of any such city, town or village, or special school district or independent school district finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and

that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, the provisions of this Act shall be in full force and effect as to any such city, town or village, or special school district or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem and poll taxes and on no other taxes.

Sec. 2. Anyone desiring to pay the delinquent taxes for any one or more years shall have the right to pay the same under the provisions of this bill without at the same time paying any other taxes that may be then delinquent upon the same property.

Sec. 3. In all cases where suits for the collection of delinquent taxes owing to the State and any county in this State have been heretofore filed and are now pending, or which may be hereafter filed and pending, on the docket of any district court in this State, and the court shall dismiss or abate same upon motion of the defendant or of the county attorney, no costs of court nor any fees arising out of or incident to said suit shall be adjudged against any defendant or any property involved in such suit.

Sec. 4. Governing boards of water improvement districts, water control and improvement districts and irrigation districts are hereby empowered to make adjustments or reductions of delinquent bond tax and/or flat rate charges provided that such adjustments or reductions result in the payment of such bond tax and/or flat rate charges on or before December 31, 1933.

Sec. 5. All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act.

Sec. 6. It is provided further that in case any section, clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment

shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 7. This bill is enacted into a law because of the dire need of school districts and other subdivisions for funds from delinquent taxes to continue to function, and for the further purpose of giving the distressed taxpayers an opportunity to pay their taxes without the burden of the penalties and interest that have accrued. But it shall not be understood from the enactment of this law that it is the policy of the Legislature to continue to remit penalty and interest. The Forty-third Legislature here declares that a continuation of the policy of remitting penalty and interest on delinquent taxes would be detrimental to the best interest of this State and would, if continued, lead to still greater delinquencies in tax payments than has ever been in the history of this State.

Sec. 8. The fact that millions of dollars in taxes are now due and have been due to the State and its subdivisions for many years past by people who would meet their obligations to the State government if the heavy costs and penalties and interest were omitted, creates an emergency and an imperative public necessity demanding that the constitutional rule which requires all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

The report was read.

On motion of Senator Rawlings, the report was laid on the table subject to call.

Pages Excused.

On motion of Senator Parr, the pages were excused at 4 o'clock p. m.

Bills Introduced.

By unanimous consent the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent

was granted to introduce the following bills:

By Senator Purl:

S. B. No. 516, A bill to be entitled "An Act authorizing the Board of Insurance Commissioners of Texas, with approval of the Governor, to promulgate rules, regulations and orders to regulate and stabilize payment of insurance premiums to life insurance companies and fraternal benefit societies and payment of policy reserve loans and withdrawals of cash reserves by policyholders; requiring life insurance companies and fraternal benefit societies to make full payment of death, sick and accident claims, and such other claims, including final judgments, for which life insurance companies and fraternal benefit societies may be liable; providing for cancellation of permit of any life insurance company or fraternal benefit society violating provisions of this Act or rules, regulations and orders of the Board of Insurance Commissioners; providing no privileges shall be granted life insurance companies or fraternal benefit societies when same privileges are not granted to policyholders; providing Board of Insurance Commissioners shall have authority to prevent cancellation of policies by extending time for payment of premiums; providing for salary limits and withholding payment of dividends during the operation of this Act; limiting operation of this Act to July 1, 1933; providing that if any section, provision, sentence, clause or phrase of this Act is declared unconstitutional it shall not invalidate the remainder of the Act, and declaring an emergency."

Read and referred to Committee on Insurance.

By Senators Beck, Purl, Moore, and DeBerry:

S. B. No. 517, A bill to be entitled "An Act amending Article 1652, Revised Civil Statutes, 1925, and prescribing the authority and duties of the county auditor with reference to books, accounts, reports, vouchers and other records of funds of common school districts of this State and the disbursement of such funds; and repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on State Affairs.

Special Order Set.

On motion of Senator Neal, S. B. No. 395 was set as special order for Tuesday immediately following the morning call.

Senate Bill No. 262.

Senator Oneal called up from the table the free conference committee report on S. B. No. 262.

The report was adopted by the following vote:

Yeas—21.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—4.

Holbrook.	Small.
Pace.	Woodruff.

Absent.

Duggan.	Stone.
Fellbaum.	

Absent—Excused.

Cousins.	Martin.
DeBerry.	

Special Orders Set.

On motion of Senator Moore, S. B. No. 39 was set as special order immediately following S. B. No. 395.

On motion of Senator Woodul, S. B. No. 91 was set as special order immediately following S. B. No. 39.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 195. The following are conferees on the part of the House:

Messrs. Ramsey, Metcalfe, Tarwater, Daniel, and Wells.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 127. The following are conferees on the part of the House:

Messrs. Van Zandt, Sullivan, Caven, Stinson, and Goodman.

The House has refused to concur in Senate amendments to H. B. No. 807, by a viva voce vote, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Mrs. Hughes, Messrs. Moore, Moffett, Hankamer, and Beck.

The House has concurred in Senate amendments to H. B. No. 791 by a vote of 113 yeas, 2 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Recess.

Senator Blackert moved to adjourn until 10 o'clock Monday morning.

Senator Purl moved to adjourn until 10 o'clock tomorrow morning.

Senator Moore moved to recess until Monday morning at 10 o'clock.

The motion to adjourn until Monday was lost by the following vote:

Yeas—7.

Blackert.	Russek.
Hopkins.	Sanderford.
Parr.	Woodul.
Rawlings.	

Nays—15.

Beck.	Pace.
Collie.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Moore.	Redditt.
Murphy.	Regan.
Neal.	Woodward.
Oneal.	

Absent.

Cousins.	Small.
Duggan.	Stone.
Fellbaum.	Woodruff.
Greer.	

Absent—Excused.

DeBerry.	Martin.
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The motion to recess until 10 o'clock Monday morning prevailed by the following vote:

Yeas—14.

Beck.	Regan.
Blackert.	Russek.
Hopkins.	Sanderford.
Moore.	Small.
Parr.	Woodruff.
Patton.	Woodul.
Redditt.	Woodward.

Nays—10.

Collie.	Oneal.
Holbrook.	Pace.
Hornsby.	Poage.
Murphy.	Purl.
Neal.	Rawlings.

Absent.

Cousins.	Greer.
Duggan.	Stone.
Fellbaum.	

Absent—Excused.

DeBerry.	Martin.
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At 5:05 o'clock p. m., the Senate recessed.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 409 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 192 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 240 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, had had S. B. No. 480 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 438 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 263 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 92 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 437 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 436 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. C. R. No. 41 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 507, A bill to be entitled "An Act to fix the tuition to be collected from students registering in the schools of collegiate ranks supported in whole or in part by appropriation of public funds from the State Treasury, and empowering the State Board of Education to grant scholarships to such institutions, and prescribing the regulation therefor, all funds collected under the provision of this bill be placed in the State Treasury to the credit of the General Revenue; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment.

Amend S. B. No. 507 by striking out in Section 1 the words and figures "fifty dollars (\$50.00)" and insert in lieu thereof the words and figures "fifteen dollars (\$15.00)."

NEAL, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 344, A bill to be entitled "An Act giving the county school board the power to divide the county into one or more districts, not to exceed sixteen; and declaring the kind of district; providing for trustees of a district so created; providing for transportation of pupils; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was re-
ferred

H. B. No. 109, A bill to be entitled
"An Act amending Article 6881 of
Title 120, Chapter 5 of the Revised
Civil Statutes of the State of Texas,
1925, correcting the laws applying to
bonds executed by constables and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was re-
ferred

H. B. No. 407, A bill to be entitled
"An Act providing for proof of the
execution of attested or witnessed
instruments or writings which are
not required by law to be attested
or witnessed, and declaring an emer-
gency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was re-
ferred

H. B. No. 62, A bill to be entitled
"An Act to amend Article 1778 of
Chapter 6 of Title 37, and Article
1871 of Chapter 5 of Title 39 of the
Revised Civil Statutes of 1925, relat-
ing to the time for returning exe-
cutions for costs issued from the
Supreme Court and Courts of Civil
Appeals, repealing all laws and parts
of laws in conflict herewith, and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the

recommendation that it do pass and
be printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was re-
ferred

H. B. No. 852, A bill to be entitled
"An Act providing for the jurisdic-
tion of the county court of Gillespie
County, conferring upon said court,
civil and criminal jurisdiction and
increasing the criminal and civil
jurisdiction of said court, conform-
ing the jurisdiction of the district
court of said county to such change;
fixing the time of holding court,
and to repeal all laws in conflict
with this Act, and declaring an
emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

H. B. No. 294, A bill to be entitled
"An Act to amend Article 2029,
Chapter 3, of the Revised Civil Stat-
utes of 1925, and declaring an emer-
gency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

H. B. No. 408, A bill to be entitled
"An Act providing for evidence of
handwriting by comparison, and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 827, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five (5) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 42, A joint resolution proposing amendments to Section 30, of Article 16, of the Constitution of Texas, permitting elected officials of a city that has adopted and amended its charter as provided in Section 5, of Article XI of the Constitution of Texas, by amendment to such city's charter to hold office not exceeding four (4) years; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 28, A joint resolution proposing an amendment to the Constitution of the State of Texas by amending Article 3, by adding thereto Section 50a and Section 50b so as to permit the State to assume the indebtedness of counties, cities, towns, districts and municipalities

of the State, authorized and/or existing prior to January 1, 1933, and evidenced by bonds or interest-bearing time warrants, and authorizing the issuance of State bonds to be exchanged for such bonds and warrants of such counties, cities, towns, districts and municipalities; providing the maximum rate of interest of such State bonds; authorizing the Governor to appoint a Board of Municipal Indebtedness consisting of three members, and prescribing the qualifications, powers, duties, term of office and method of removal of such members; authorizing and directing the levying of a sales tax to retire such State bonds; and releasing certain delinquent taxes heretofore levied by and due to such counties, cities, towns, districts and municipalities for the retirement of bonds and warrants; providing that the sinking funds of bonds and warrants of counties, cities, towns, districts and municipalities shall be deposited to the credit of the sinking fund of State bonds and limiting the taxing power and capacity to incur indebtedness of such counties, cities, towns, districts and municipalities; providing that the Legislature shall have no authority to levy State ad valorem taxes, and authorizing the levying of a sales tax in lieu thereof; and releasing all delinquent State ad valorem taxes upon certain conditions.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,
Austin, Texas, April 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 41, A joint resolution proposing amendments to Section 5, of Article XI of the Constitution of Texas, permitting a city that has adopted and amended its charter as provided in Section 5 of Article XI to alter, amend or repeal its charter once in every twelve (12) months; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 825, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter a new Article to be known as 'Article 6711-a,' providing that upon application of ten or more resident citizens of the counties of Polk, Trinity, Angelina, or Tyler, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land or between different persons or owners of land, or along any section line, where said land is adjacent or contiguous to public rivers, lakes, or bays in the counties of Polk, Trinity, Angelina, or Tyler; etc., and providing an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 394, A bill to be entitled "An Act to amend Sections 4, 5, 6, and 8 of Chapter 88 of the General Laws of the Forty-first Legislature, Second Called Session, page 172, said sections appearing on pages 175 and 176 of said Acts, and providing for the effective date of this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 27, A bill to be entitled "An Act to amend Article 2190, Revised Civil Statutes of 1925, Title 42, Chapter 8, as amended by the Acts of the Forty-second Legislature, Regular Session, page 120, Senate Bill No. 95, by adding the following words: 'based upon any cause of action or defense pleaded and sustained by evidence and a jury trial thereon shall be deemed waived,' and by striking out the following words: 'regardless of whether the submission of such issue was requested by the complaining party,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 26, A bill to be entitled "An Act to amend Article 1847 and 1848, Chapter 3, Title 39, Revised Civil Statutes of Texas of 1925, as amended by the Act of the Forty-second Legislature, Chapter 63, Senate Bill No. 60, approved April 21st, 1931, providing for the filing of records in the Courts of Civil Appeals in the order received by the clerk of that court for setting cases for submission, for notifying parties of the date of the filing of the records, the date set for hearing, fixing the time and manner of filing briefs and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 36, Granting T. W. Tucker permission to sue the State and the Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HOPKINS, Chairman.

By Reed of Dallas. H. C. R. No. 36.

HOUSE CONCURRENT RESOLUTION

Whereas, During and after the construction of State Highway No. 121, extending from Fort Worth to the Denton County line in the general direction of Greenville, Texas, there was constructed, in the vicinity of the northwestern edge of Dallas County at the Denton County line about two (2) miles north of Coppel, Texas, deep drainage ditches due to the hilly condition of the land in this vicinity. The ground is of sandy soil and before the cutting of these drainage ditches the sand took up the surplus water, but now the water has a tendency to come down the ditches on both sides of the highway and at the end of the ditches the water runs down to one side along a slight draw; and

Whereas, Mr. T. W. Tucker lives in the northwestern edge of Dallas County right at the Denton County line about two (2) miles north of Coppel, Texas. Mr. Tucker's residence is at the foot of a long sloping hill situated about fifty (50) yards from the edge of State Highway No. 121, which highway at the present time terminates even with Mr. Tucker's house; and

Whereas, After every rain, due to the construction of the above mentioned drainage ditches, Mr. Tucker is unable to get to his garage and chicken house for hours and sometimes for days as the water rushing from the above mentioned draw goes upon Mr. Tucker's property and quite often stands around his house and outhouses to the depth of eighteen (18) inches for days. It has completely ruined his cellar and keeps his yard swamped with muck and mire. Moreover, this surplus water continues on out over his adjoining field and drowns out growing crops on something like ten (10) acres of land. In addition to flood-

ing the land it has scattered Johnson grass over the entire area of Mr. Tucker's field; and

Whereas, Mr. Tucker's land is most valuable for truck farming, peculiarly fitted to the raising of sweet potatoes. As a matter of fact, Mr. Tucker specializes in the raising of potatoes, producing from two (2) hundred to five (5) hundred dollars an acre each season; and

Whereas, This water did not flood Mr. Tucker's land before the cutting of above mentioned ditches, as the water which was not absorbed by the sand scattered and spread so that it was not damaging; and

Whereas, This drainage could have been easily taken care of by extending these ditches about two or three hundred yards further on to a small creek that would have taken care of the water thereby harming no one. During the entire time of the construction of these drainage ditches, Mr. Tucker at all times prevailed upon the engineers to prevent leaving the dead end of these ditches adjoining his premises, but his insistence availed nothing; and

Whereas, Mr. Tucker has never been compensated by the State for the damage done to his property; be it now therefore

Resolved, by the House of Representatives, the Senate concurring, That the said T. W. Tucker be, and is hereby granted permission to bring suit against the State of Texas in a court of Travis County, Texas, in order to determine what compensation, if any, he is entitled to receive by reason of such damage, and that in case such suit is filed, service of citation or other necessary process may be had upon the State Highway Commission and the Attorney General with the same force and effect as made and provided for in civil cases.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 46, Granting H. L. Stancil permission to sue the State and Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed in the Journal only.

HOPKINS, Chairman.

By Hankamer, Jackson, and Clayton.

H. C. R. No. 46.

A CONCURRENT RESOLUTION

Whereas, On or about the 22nd day of August, A. D. 1932, H. L. Stancil, of the City of El Paso, El Paso County, State of Texas, while employed by the State Highway Commission of Texas at El Paso, Texas, in the capacity of a carpenter, and while the said H. L. Stancil was engaged in the performance of the regular duties of his said employment and while performing the work he was employed to do by the State Highway Commission, he, the said H. L. Stancil, was severely and permanently injured when a nail struck him in the right eye and pierced his eye clear through; and,

Whereas, By reason of the accident causing the nail to pierce clear through the right eye of the said H. L. Stancil, he suffered great bodily injury which totally incapacitated him for several months, resulting in his being left totally blind in the right eye due to a detachment of the retina, and,

Whereas, The said H. L. Stancil has never been compensated for his said injury; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said H. L. Stancil, his heirs, executors and administrators be, and they are hereby granted permission to bring suit against the State of Texas and against the Highway Commission of Texas, in a court of competent jurisdiction in El Paso County, Texas, in order to ascertain, fix and award the amount of money, if any, the said H. L. Stancil, his heirs, executors and administrators are entitled to receive from the State of Texas and the Highway Commission of Texas as compensation by reason of such injury and resulting damages; and that, in case such suit be filed, service of citation or other necessary process shall be had upon the Governor of the State of Texas, the Chairman of the Highway Commission of Texas and the Attorney General of Texas, and that the same have the same force and effect as made and provided in civil

cases; and provided that either one of the parties to said suit shall have the right to appeal without the execution of bond; and any judgment that may be finally established against the State of Texas and the Highway Commission of Texas in said suit shall be a liquidated debt and shall be paid by the Highway Commission of Texas out of the State Highway funds.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 38, Granting the Interstate Contracting Company permission to sue the State and Highway Department.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HOPKINS, Chairman.

By Wagstaff. H. C. R. No. 38.

HOUSE CONCURRENT RESOLUTION

Whereas, The Interstate Contracting Company, a corporation, entered into a contract with the Highway Commission of the State of Texas for the building of projects 934-A and 935-A in Grayson County, Texas, and certain differences have arisen between said company and the State Highway Commission, said company claiming that it was ordered and required by the State Highway engineers and the State Highway Commission to do certain work not provided for in the specifications by reason of which extra cost was incurred by the contractors; and

Whereas, Said Interstate Contracting Company has filed its claim with the State Highway Commission which has been allowed in part and refused in part; now therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the said contracting company be and they are hereby granted right to bring suit against the State of Texas and the State Highway Department in a court of competent jurisdiction in Travis County, Texas, in order to determine what compensation, if any, the Interstate Con-

tracting Company is entitled to receive by reason of extra work done upon said projects and that in case such suit be filed service of citation or other necessary processes be had upon the Governor, the Chairman of the Highway Commission of the State of Texas and the Attorney General, and that the same be the same force and effect as made and provided in civil cases.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 48, Granting E. R. Leach the right to sue the Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HOPKINS, Chairman.

By Renfro and Winningham.

H. C. R. No. 48.

A CONCURRENT RESOLUTION

Whereas, On July 1, 1932, E. R. Leach entered into a contract with the State of Texas acting by and through its State Highway Commission and State Highway Engineer for the construction of certain improvements in Pecos County, Texas, known and designated as Federal Aid Project 612-B. & C.-II; type of work being caliche base and triple asphalt treatment; time allowed for work two hundred working days, amount of contract \$107,805.77; and,

Whereas, E. R. Leach acting under and by virtue of said contract in compliance with the terms and conditions thereof commenced work on said construction project, placing thereon various articles of equipment including all items of equipment purported to have been needed for the performance of said contract; and,

Whereas, The State Highway Department refused payment of any and all sums due E. R. Leach for estimates due under said contract and declared said construction job in default and refused E. R. Leach permission to make release bond for claims filed with the State Highway Department as provided by Article 5472B, Vernon's Annotated Statutes

of Texas and amendment thereto, and refused to allow E. R. Leach to complete said work called for in said contract; and,

Whereas, On or about August 24, 1931, E. R. Leach entered into a written contract with the State of Texas acting by and through its State Highway Engineer under the terms which said E. R. Leach agreed to construct and improve a certain road in Brown County, Texas, being designated as S.-896-A-II; said contract being approved by the State Highway Commission, and that said E. R. Leach in compliance with said contract did construct, improve and build the said roads and complied with the terms of said contract and alleges that there is due him thereunder certain sums; and,

Whereas, Although the Legislature of the State of Texas does not admit that E. R. Leach has a valid or just claim against the Highway Commission, it is the sense of this Legislature that no citizen of this State or of any other state who has a valid or just claim against the State of Texas shall be deprived of his opportunity to establish and enforce such claim against the State or any department thereof by reason of any legal inhibition; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That

Section 1. That E. R. Leach, a resident citizen of the State of Texas, is hereby given and granted consent and permission to file suit against the Highway Commission of the State of Texas, as such Commission, and the State of Texas, in any State district court in Travis County, Texas. Said suit shall be based upon two certain purported contracts entered into, signed, executed and delivered by and between the State of Texas acting by and through its State Highway Engineer and/or State Highway Commission and the said E. R. Leach, on or about the 1st day of July, 1932, and a certain purported contract entered into, signed, executed and delivered by and between the State of Texas acting by and through its State Highway Engineer and/or State Highway Commission on or about the 24th day of August, 1931; provided, however, that said suits shall be filed within ninety days from and after this Act

shall take effect; provided, however, that a writ of injunction will not lie for the purpose of preventing other contractors contracting with the State Highway Commission from proceeding with work on the said aforesaid construction projects.

Sec. 2. The State of Texas and said Highway Commission, in case a judgment may be obtained by E. R. Leach, may appeal from said judgment as is provided by law for other parties, and the State and said Highway Commission shall not be required to execute any bond, and if a final judgment be recovered against the State of Texas or said Commission the same shall be paid in full out of the State Highway funds.

Sec. 3. Service in said cause shall be had by citing the Governor, the Chairman of the Highway Commission and the Attorney General of the State of Texas.

Sec. 4. The fact that E. R. Leach is without remedy at law for the recovery of damages for the purported breach of his said contracts with the State of Texas, and whereas his only remedy is that of enjoining any further work on the aforesaid projects and whereas the Pecos County road is under construction and closed and cannot be used by thousands of citizens of this State desiring to travel thereon creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 51, Granting Tibbetts Construction Company the right to sue the Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

HOPKINS, Chairman.

By Duvall and
Shannon.

H. C. R. No. 51.

A CONCURRENT RESOLUTION

Whereas, On the 6th day of December, A. D., 1927, the Tibbetts Construction Company entered into a contract with the State of Texas acting by and through its State Highway Commission and State Highway Engineer for the construction of certain improvements in Franklin and Red River Counties, known and designated as jobs 81-B and 194-J and being further designated as S. A. P. 743; the type of work being grading, filling and topping with gravel of roads being built in the aforesaid counties; and,

Whereas, The Tibbetts Construction Company acting and by virtue of said contract and in compliance with the terms and conditions thereof, commenced work on said construction and further in compliance with the terms and conditions of said contract, did construct, improve and build said roads in Franklin and Red River Counties and completed said project in a workmanlike manner and which was acceptable to the Engineer of said Highway Department; and,

Whereas, That in the execution of the aforesaid contract entered into by and between the Tibbetts Construction Company and the State Highway Department, the said Tibbetts Construction Company was compelled to and did perform extra work not specified and provided for in the contract aforesaid and as aforesaid did construct, improve and build the said roads in the aforesaid counties and complied with all of the terms and conditions of said contract and alleged that there is still due them thereunder certain sums; and,

Whereas, Although the Legislature of the State of Texas does not admit that the Tibbetts Construction Company has a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State or of any other state who has a valid or just claim against the State of Texas be deprived of his opportunity to establish and enforce such claim against the State or any department thereof by reason of any legal inhibition; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That,

Section 1. That Tibbetts Construction Company a resident of the County of Tarrant, State of Texas, is hereby given and granted consent and permission to file suit against the Highway Commission of the State of Texas, as such Commission, and the State of Texas, in any State district court in Travis County, Texas. Said suit shall be based upon one certain purported contract entered into, signed, executed and delivered by and between the State of Texas acting by and through its State Highway Engineer, and/or State Highway Commission and the said Tibbetts Construction Company, on or about the 6th day of December, A. D. 1927.

Sec. 2. That the State of Texas and said Highway Commission, in case a judgment may be obtained by Tibbetts Construction Company may appeal from the said judgment as provided by law for other parties, and the State and said Highway Commission shall not be required to execute any bond, and if a final judgment be recovered against the State of Texas or said State Highway Commission the same shall be paid in full out of the State Highway funds.

Sec. 3. Service in said cause shall be had by citing the Governor, the Chairman of the Highway Commission and the Attorney General of the State of Texas, and the said service of citation shall have the same force and effect as is provided by law for service in civil cases.

FIFTY-NINTH DAY (Continued).

Senate Chamber,
Austin, Texas,
April 17, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended, and consent was granted to introduce the following bill and resolution:

By Senators Woodul, Rawlings and Pace:

S. J. R. No. 30, A joint resolution proposing an amendment to Article 3 of the Constitution of the State of Texas to be known as Section 51a; providing that the Legislature may authorize by law the issuance and sale of bonds of the State of Texas, not to exceed the sum of twenty million (\$20,000,000.00) dollars, bearing interest not to exceed four and one-half (4½%) per centum per annum, and to mature not to exceed ten (10) years from their date, to be used for relieving the hardships of unemployment; providing for appropriations to pay said bonds and limiting the grant of power to two years from date of adoption; providing for submission of same to the qualified voters of the State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication and election.

Read and referred to Committee on Constitutional Amendments.

By Senator Woodul:

S. B. No. 518, A bill to be entitled "An Act providing that all counties, cities, towns, villages, road districts, levee districts, drainage districts, navigation districts, water control and improvement districts, water improvement districts, irrigation districts, fresh water supply districts, water control and preservation districts, conservation and reclamation districts, school districts, municipal corporations and political subdivisions of any county or of this State, shall have power and authority to do all things necessary in the procuring of loans or the benefits of the Reconstruction Finance Acts heretofore or that may be hereafter enacted, and declaring an emergency."

Read and referred to Committee on State Affairs.

Senate Simple Resolution No. 87.

Senator Woodward sent up the following resolution:

Be it resolved by the Senate, That the House be requested to return to to Senate H. B. No. 231, for further consideration.

WOODWARD.

Read and adopted.

Senate Bill No. 299.

The Chair laid before the Senate as pending business, the following bill:

By Senator Moore:

S. B. No. 299, A bill to be entitled "An Act amending Article 7065 of the Revised Statutes of 1925 as amended by Chapter 93, Acts of the Regular Session of the Fortieth Legislature and further amended by Chapter 88 Acts of the Second Called Session of the Forty-first Legislature, 1929, the latter Act being more specifically designated as H. B. No. 6, Second Called Session of the Forty-first Legislature, regulating the distribution of automobile license fees by allocating said fees to certain counties, and declaring an emergency."

Committee amendment No. 1 was read.

Senator Woodul sent up the following amendment to the committee amendment:

Amend committee amendment No. 1, S. B. No. 299, page 3, line 35 by adding at the end of the line after the word "county" the following:
"and/or district"

WOODUL.

The amendment to the amendment was read.

Senator Small sent up the following substitute for the amendment to the amendment:

Amend committee amendment No. 1 to S. B. No. 299 by striking out the last sentence in Paragraph 2 beginning with the word "provided" and add in lieu thereof, the following:

"Provided, said road and bridge bond and warrant retirement fund shall be used, first, in the payment of the principal and interest due on county wide bonds and/or warrants ineligible to participate in the fund appropriated by the Legislature to retire the principal and interest of bonds and warrants the proceeds of which were used to build state highways, but in counties having no such county wide ineligible obligations but having such ineligible district bonds and/or warrants, the commissioners court shall apportion said fund by applying to the indebtedness of each road district having such outstanding ineligible bonds and/or

warrants, the same percentage of said fund as the percentage of the assessed valuations of such district bears to the county assessed valuation, and after so doing, the remainder of said fund, if any, shall be placed to the credit of the road and bridge fund of such county, and in event a county has no such county wide or district obligations, then the entire fund shall be credited to the road and bridge fund of the county.

SMALL.

The substitute was read.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 231, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Greathouse, Pope, Lindsay, McClain, and Canon.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 399, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Laird, Tillery, Glass, Huddleston, and Dwyer.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 202, A bill to be entitled "An Act to empower and require the

commissioners courts of the various counties to require bonds of county and district officials who are required by law to receive funds to be held in trust as a part of their official duties, and fixing the amount of and the conditions of said bonds, and providing for the removal of officers who fail to give said bond, and repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 409, A bill to be entitled "An Act providing for rules attacking the credibility of witnesses in civil and criminal cases by showing connection with crime, and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act creating a Central Mailing Bureau; providing for the control of such Bureau by the State Board of Control; designating the duties and purposes of such Bureau; making an appropriation for the expense of operation and for the purchase of necessary equipment to establish and maintain said Bureau for a period of six months; providing all mail of the State departments located in the State Capitol, the State Office Building, the State Highway Department Office Building, and the Courthouse State Office Building in Austin shall pass through said Bureau; providing for bonds for personnel of such Bureau; providing an appropriation for a revolving fund; repealing all laws in conflict, and declaring an emergency."

H. B. No. 487, A bill to be entitled "An Act to amend Chapter 91, of the General Laws of the Fortieth Legislature, amending Article 7596, of the Revised Statutes of the State of Texas, regulating liens for water rates, so as hereafter to limit the statutory lien on crops to secure water rates for irrigation to one-third of the crop; and to give to those supplying water for irrigation a preference lien on crops, superior to every other lien; to limit the lien which public utilities may contract for on crops to one-third; and to authorize waiver of lien by districts, and declaring an emergency."

H. B. No. 510, A bill to be entitled "An Act to amend Article 536 of the Penal Code of the State of Texas to provide that same shall not apply to self-help or credit scrip or other certificates of barter issued during the

years 1933, 1934, and 1935, by any incorporated city, town, or village, or by any organized Chamber of Commerce, and declaring an emergency."

H. B. No. 612, A bill to be entitled "An Act to provide for the propagation and raising of fresh-water game fish in privately-owned ponds and lakes, or in streams connecting such privately-owned ponds, or lakes, and not subject to overflow, or directly connected with any public lake or public navigable stream, as defined by the laws of Texas; and prescribing conditions and regulations under which such privately-owned game fish may be sold, and providing penalties for violation, and repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 616, A bill to be entitled "An Act amending Article 7047, of the Revised Civil Statutes, 1925, by repealing H. B. No. 102, as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929; and repealing S. B. No. 127, 'Regulating and providing for supervision of emigrant agents,' passed by the Forty-first Legislature, Second Called Session, 1929, and effective without the Governor's signature, and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act to amend Article 4686, of the Revised Civil Statutes of 1925, by prohibiting individuals, not otherwise expressly permitted by statute, to engage in the business of insuring others against insurable losses; providing that the Board of Insurance Commissioners shall be satisfied that any insurance carrier applying for a certificate of authority has in all respects complied with the laws of this State; providing that it shall be the duty of the Board of Insurance Commissioners to issue to such qualified carrier a certificate of authority under its seal, authorizing such carrier to transact an insurance business, naming the particular kind of same, for a period of not more than twelve months, and such authority not to extend beyond the last day of February following the date of issuance of said certificate; defining the term 'carrier,' and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act to amend Acts, 1929, Forty-first Legislature, Regular Session,

page 523, Chapter 250, Section 2, relating to the giving of bond by commercial colleges, so as not to apply to commercial colleges that sell no scholarship or require no other advance payments; and declaring an emergency.'

H. B. No. 663, A bill to be entitled "An Act authorizing any common school district, independent school district, consolidated common school district, consolidated independent school district, county line school district, consolidated county line school district, or rural school district to hold an election for the purpose of the cancellation and revocation of any unsold school bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such school bonds; providing for the cancellation and destruction of such unsold school bonds retired by reason of such election, and the adjustment of existing tax levies, and refund of any taxes levied and collected in anticipation of the sale of such school bonds, etc.; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act providing for the issuance of licenses for life, health, and accident insurance agents, and the cancellation thereof, regulating the conduct of persons and companies with reference to acting as, and through, life, health, and accident insurance agents, providing penalties, repealing laws in conflict, and declaring an emergency."

H. B. No. 762, A bill to be entitled "An Act to amend Article 2525 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas, of 1925, as amended by Chapter 57, of the Acts of the First Called Session of the Fortieth Legislature, by adding thereto appropriate provisions for periodical inquiries by the State Depository Board as to the rate of interest to be paid by State depositories and reserve depositories, conferring power on said Board to adjust such rate of interest from time to time, and providing that any State depository or reserve depository, considering itself to be aggrieved by such action of the Board, shall have the right to cancel its contract, as provided by Article 2537, of the Revised Civil Statutes, etc.; and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act to amend Article 1601, Chapter 5, Title 33, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts, 1927, Fortieth Legislature, Regular Session, page 264, Chapter 185, so as to require all indebtedness against a courthouse, or courthouses, shall be paid in full before the county seat of any county can be moved from its present location; repealing all laws or parts of laws in conflict herewith; declaring a rule of construction; and declaring an emergency."

H. B. No. 815, A bill to be entitled "An Act to amend Special Laws, 1920, Thirty-sixth Legislature, Third Called Session, page 75, Chapter 30, Subdivision 8, known as S. B. No. 8, so as to provide for three local taxpayers to sit as a board of equalization, of which one shall be secretary of said equalization board, and shall fix a time for the meeting of such board of equalization; and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act amending Section 2 of H. B. No. 83, passed by the Fifth Called Session of the Forty-first Legislature, by adding thereto Section 2-a, providing that motor vehicles from foreign states, or countries, can not lawfully operate in this State past the time limit extended by this State on license plates issued for any previous year."

H. J. R. No. 43, A joint resolution proposing an amendment to Subsection (a) of Section 20, Article 16, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Conference Granted.

On motion of Senator Woodward, the Senate granted the request of

the House for the appointment of a Free Conference Committee on H. B. No. 231.

The Chair appointed the following on the part of the Senate:

Senators Woodward, Rawlings, Pace, Oneal, Murphy.

S. C. R. No. 40.

The Chair laid before the Senate by unanimous consent:

S. C. R. No. 40, Requesting the Federal government to abolish Federal gasoline tax.

Read and adopted.

Senate Bill No. 484.

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

By Senator Neal:

S. B. No. 484, A bill to be entitled "An Act to create Road District Number Four (4), of Shelby County, Texas, validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds, thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district, dated October 10, 1923, and numbered, respectively, from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment, and collection of general ad valorem taxes, on all taxable property in said road district; approving and validating all orders of the commissioners court of said county, in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; etc., and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 484 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck. Collie.
Blackert. DeBerry.

Duggan.
Fellbaum.
Breer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Neal.
Oneal.
Pace.
Parr.
Patton.

Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Cousins. Murphy.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.
Blackert.
Collie.
DeBerry.
Duggan.
Fellbaum.
Greer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Neal.
Oneal.
Pace.

Parr.
Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Cousins. Murphy.

House Bills Referred.

H. B. No. 202 referred to Committee on State Affairs.

H. B. No. 510 referred to Committee on Criminal Jurisprudence.

H. B. No. 612 referred to Committee on Game and Fish.

H. B. No. 616 referred to Committee on State Affairs.

H. B. No. 647 referred to Committee on Insurance.

H. B. No. 650 referred to Committee on Educational Affairs.

H. B. No. 670 referred to Committee on Insurance.

H. B. No. 409 referred to Committee on Civil Jurisprudence.

H. B. No. 442 referred to Committee on Finance.

H. B. No. 487 referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 866 referred to Committee on State Highways and Motor Traffic.

H. B. No. 815 referred to Committee on State Affairs.

H. B. No. 799 referred to Committee on Counties and County Boundaries.

H. B. No. 762 referred to Committee on Banks and Banking.

H. J. R. No. 43 referred to Committee on Constitutional Amendments.

S. C. R. No. 42.

Senator Moore sent up the following resolution:

Whereas, The appropriation bills now before the Legislature will limit expenditures for State purchased automobiles to seven hundred fifty (\$750.00) dollars each, and

Whereas, It is imperative that expenditures for State purchased cars during the remainder of the current biennium be limited to the same amount, therefore be it

Resolved by the Senate, the House of Representatives concurring, That all departments and institutions of the State be, and they are hereby directed to desist in the purchase of automobiles in excess of seven hundred fifty (\$750.00) dollars each for the remainder of the current biennium, and that in the purchase of automobiles for the remainder of the current biennium each department and institution shall submit requests for purchase of automobiles through the regular channels, i. e., on bids through the Board of Control.

MOORE.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

Messages From the House.

Hall of the House of Representatives, Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 218 and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following are appointed on the part of the House:

Hughes, Calvert, McGregor, Wagstaff, Jones of Atascosa.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 40, Relating to Federal tax on gasoline.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Recess.

On motion of Senator Woodward, the Senate, at 12:04 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 299.

The question recurred upon the substitute for the amendment to the amendment to S. B. No. 299.

The substitute was adopted.

The amendment to the amendment as substituted was adopted.

Senator Moore sent up the following amendment to the committee amendment:

Amend committee amendment No. 1 to S. B. 299, as follows:

In line 34, page 3 by adding between the words "fund" and "shall" the following "or so much thereof as may be necessary."

MOORE.

Read and adopted.

Senator Greer sent up the following amendment to the committee amendment:

Amend S. B. No. 299, page 3, line 25, by striking out the words "fifty per cent" and inserting in lieu thereof the words "twenty-five per cent."

GREER.

The amendment to the amendment was read.

Senator Moore moved to table the amendment to the amendment. The motion was lost by the the following vote:

Yeas—5.

Beck.	Moore.
Hornsby.	Poage.
Martin.	

Nays—17.

Blackert.	Rawlings.
Collie.	Redditt.
Cousins.	Regan.
DeBerry.	Russek.
Duggan.	Sanderford.
Greer.	Stone.
Neal.	Woodruff.
Parr.	Woodul.
Patton.	

Present—Not Voting.

Purl.

Absent.

Fellbaum.	Oneal.
Holbrook.	Woodward.
Hopkins.	

Absent—Excused.

Murphy.

(Pair Recorded.)

Senator Pace (present) who would vote nay, with Senator Small (absent) who would vote yea.

The amendment to the amendment was adopted.

Senator Greer sent up the following amendment to the committee amendment:

Amend S. B. No. 299, page 3, line 23, by striking out the words "fifty per cent" and inserting in lieu thereof the words, "seventy-five per cent."

GREER.

Read and adopted.

Senator Woodruff sent up the following amendment to the committee amendment:

Amend committee amendment to S. B. No. 299 by striking out in line 4, page 3, the words and figures "seventy-five thousand dollars (\$75,000.00)" and inserting in lieu thereof "fifty thousand dollars (\$50,000.00)."

WOODRUFF.

The amendment to the amendment was read.

Senator Moore moved to table the amendment to the amendment. The motion was lost.

The amendment to the amendment was adopted.

Senator Martin sent up the following amendment to the committee amendment:

Amend S. B. No. 299, committee amendment No. 1, page 3, by adding at the end of line 22 and after the word "department" the following:

"The commissioners court of the county shall not levy nor collect any taxes to pay interest or retirement fund on any outstanding county bonds or precinct bonds or warrants ineligible to participate under the provisions of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature or any subsequent Act of the Legislature dealing with the retirement by the State of bonds and obligations of the several counties, if and when the amount received by the said county from the automobile registration fees, as provided for under this bill, are sufficient to pay off and discharge all interest and sinking funds due for any particular year."

MARTIN.

The amendment to the amendment was read.

Senator Moore moved to table the amendment to the amendment. The motion was lost.

The amendment to the amendment was adopted.

Committee amendment No. 1 as amended was adopted.

Committee amendments Nos. 2 and 3 were adopted.

Senator Pace sent up the following amendment:

Amend S. B. No. 299 by striking out the enacting clause.

PACE,
STONE.

The amendment was read.

Senator Moore moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Beck.	Hornsby.
Collie.	Moore.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Sanderford.

Nays—15.

Blackert.	Redditt.
Cousins.	Regan.
Fellbaum.	Russek.
Holbrook.	Stone.
Neal.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Rawlings.	

Absent.

Hopkins.	Oneal.
Martin.	

Absent—Excused.

Murphy.

(Pair Recorded.)

Senator Pace (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senator Moore moved to lay the bill and the amendment on the table subject to call.

Senator Pace moved to table the motion. The motion to table prevailed by the following vote:

Yeas—14.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
Duggan.	Russek.
Fellbaum.	Stone.
Holbrook.	Woodruff.
Neal.	Woodul.

Nays—9.

Beck.	Purl.
Greer.	Redditt.
Hornsby.	Regan.
Moore.	Sanderford.
Poage.	

Present—Not Voting.

DeBerry.

Absent.

Hopkins.	Oneal.
Martin.	Woodward.

Absent—Excused.

Murphy.

(Pair Recorded.)

Senator Pace (present) who would vote yea, with Senator Small (absent) who would vote nay.

Senator Greer moved to lay the bill on the table. The motion prevailed.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 88.	S. C. R. No. 40.
H. B. No. 791.	

Conference Committee Appointed.

The Chair announced the appointment of the following free conference committee on the part of the Senate on H. B. No. 218:

Regan, Small, Woodruff, Collie, and Cousins.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, April 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 878, A bill to be entitled "An Act amending Section 1, of Chapter 58, of the General Laws of the Forty-second Legislature, Regular Session, re-defining 'marginal wells,' and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 122, A bill to be entitled "An Act to regulate the manufacture, sale and disposition of non-intoxicating malt liquors and the places wherein same are manufactured and sold; defining non-intoxicating malt liquors; imposing an occupation tax upon certain persons, firms, corporations and associations of persons manufacturing and selling non-intoxicating malt liquors; defining manufacturers of such non-intoxicating malt liquors and regulating the business thereof, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 122 referred to Committee on State Affairs.

H. B. No. 878 referred to Committee on State Affairs.

Adjournment.

Senator Oneal moved to recess until 10 o'clock tomorrow morning.

Senator Rawlings moved to adjourn until 10 o'clock tomorrow morning.

Senator Greer moved to adjourn until 4:30 o'clock p. m. today.

The motion to adjourn until 10 o'clock tomorrow morning prevailed and at 4:28 o'clock p. m., the Senate adjourned.

APPENDIX.**Petitions and Memorials.**

Norfolk, Virginia,

April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Mrs. Thomas J. Walsh and Captain and Mrs. Emmet C. Gudger acknowledge with grateful appreciation your kind expression of sympathy.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 40 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 499 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 318

carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 292 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 500 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 118 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 392 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. 109 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 473 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 20 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 471 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 265 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 382 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 295 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 185 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 287 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 296 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 508 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 247 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 268 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 167 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 465 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 334 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 253 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 483 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 315 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 133 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, April 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 484 carefully examined and compared, and find same correctly engrossed.
REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 501, Relating to the expenditure of the University Available Fund.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, April 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 479, Relating to transferring unexpended and unappropriated balances in certain funds in the State Treasury to the General Revenue Fund.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, April 17, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 454, A bill to be entitled "An Act to amend Subdivision 32 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1931, Forty-second Legislature, First Called Session, page 27, Chapter 14, Section 1,

relating to the District Court for the Thirty-second Judicial District so as to exclude Howard County and to change the dates of convening the district court in the counties of the Thirty-second Judicial District of Texas; Subdivision 70 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1929, Forty-first Legislature, page 50, Chapter 19, relating to the District Court for the Seventieth Judicial District of the State of Texas so as to include Howard County in the Seventieth Judicial District and exclude Andrews County; and to change the dates of convening of the district court in the counties of the Seventieth Judicial District, Subdivision 100 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, as created by Acts 1929, Forty-first Legislature, Regular Session, page 50, Chapter 19, relating to the creation of the One Hundred and Ninth Judicial District of the State of Texas, so as to include Andrews County in the One Hundred and Ninth Judicial District, and to change the dates of convening the district court in the counties of the One Hundred and Ninth Judicial District; validating all process, writs, bonds, and recognizances of every kind and character heretofore issued or entered into, and all grand and petit jurors selected and drawn under the existing laws by the various counties affected by this Act, and describing that same shall be returnable and said juror served for the next term of court in the various counties affected after the taking effect of this Act; providing that this Act shall be effective August 1, 1933; providing that if any term of court shall be in session in any of the counties affected by this Act, the same shall continue in session until adjournment of the term, and thereafter the terms of court in such county shall be held in conformity with this Act; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 663, A bill to be entitled "An Act authorizing any common school district, independent school district, consolidated common school district, consolidated independent school district, county line school district, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 762, A bill to be entitled "An Act amending Articles 2525, 2528, and 2533, Chapter 1, Title 47, Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57, First Called Session, Fortieth Legislature, so as to authorize the State Depository Board to fix periodically the rate of interest to be paid by State depositories and reserve depositories on State funds in lieu of the rates now specifically fixed by statute; substituting the State Comptroller for the Attorney General as a member of the State Depository Board; and amending Articles 2536, 2537, and 2539, Chapter 1, Title 47, Revised Civil Statutes of the State of Texas of 1925, to conform therewith, and repealing Articles 2540, 2541, 2542, and 2543, Chapter 1, Title 47, Revised Civil Statutes of the State of Texas of 1925 and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, April 17, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 815, A bill to be entitled

"An Act to amend Special Laws, 1920, Thirty-sixth Legislature, Third Called Session, page 75, Chapter 30, Subdivision 8, known as 'Senate Bill No. 8,' so as to provide for three (3) local taxpayers to sit as a board of equalization, of which one shall be secretary of said equalization board, and shall fix a time for the meeting of such board of equalization, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

SIXTIETH DAY.

Senate Chamber,
Austin, Texas,
April 18, 1933.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Consins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by Dr. C. C. Selecman, President Southern Methodist University.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to introduction of general bills after the first 52 days of the

session was suspended and consent was granted to introduce the following bills:

By Senator Purl:

S. B. No. 519, A bill to be entitled "An Act repealing Article 1024, Chapter 2, Title 15, Code of Criminal Procedure, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Purl, Beck, DeBerry, and Moore:

S. B. No. 520, A bill to be entitled "An Act amending Article 1025, Chapter 2, Title 15, Code of Criminal Procedure, so as to provide for the payment of fees by the State to county and district attorneys for representing the State in habeas corpus proceedings only when the applicant is charged with a capital offense, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

Senate Simple Resolution No. 88.

Senator Poage sent up the following resolution:

Whereas, Senator Ben G. Oneal was sent as the representative of the Senate of Texas to the First Interstate Legislative Assembly which convened in Washington, D. C., February 3rd and 4th, and was thereafter by that assembly appointed as the member of the Interstate Commission on Conflicting Taxation to represent Texas and the Southwest on this Commission of fourteen members; and,

Whereas, Senator Oneal, at the request of the Senate of Texas, attended a meeting of the Interstate Commission on Conflicting Taxation in Chicago, at which meeting the Commission arrived at a decision on certain questions of conflicting taxation as between the several states and the Federal government to be recommended to the Congress; and,

Whereas, Senator Harrison, Chairman of the Finance Committee of the United States Senate, has set Friday, April 21st, as the date for the representatives of his committee to confer with the Interstate Commission on Conflicting Taxation, and that Commission is requesting that Senator Oneal attend this conference; and,